IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

Crl.MC.No. 1758 of 2007()

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PETITIONER:

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1. GEORGE VARGHESE ALIAS SIJU,
   S/O.KUNJUMON, AGED 32, KAVILAYIL VEEDU,
   IVERKALA, KUNNATHUR, KOLLAM DISTRICT.

2. SUBHASH KUMAR, S/O.PARAMESWARAN
   PILLAI, AGED 24, POOTHAKUZHIYIL VEEDU,
   KALAYAPURAM, KULAKADA, KOLLAM DISTRICT.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
   ADOOR POLICE STATION, PATHANAMTHITTA.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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Crl.M.C.No. 1758 of 2007

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Dated this the 6th day of June, 2007

**O R D E R**

The petitioner has come to this Court seeking invocation of the extra ordinary jurisdiction under Section 482 Cr.P.C. to quash an F.I.R. registered against him. In the nature of the order that I propose to pass, it is not necessary to advert to facts in any greater detail.

2. Allegation is raised of alleged illicit transportation of river sand and obstruction caused to the police party which was involved in an attempt to chase such vehicle which was illegally transporting the sand. The petitioner has come to this Court with the prayer that the proceedings against him may be quashed.

3. The learned Prosecutor, on instructions, submits that even prior to the filing of this Crl.M.C. investigation has been completed and final report has already been filed. The learned Prosecutor submits that in view of that subsequent act the prayer made now is not maintainable.

4. The learned counsel for the petitioner submits that without prejudice to the petitioner's right to challenge the final report or to

claim discharge and without any fetter on his right to claim release of the vehicle, this Crl.M.C. may now be closed. Request accepted. No further reliefs now appear to be relevant.

5. This Crl.M.C. is accordingly dismissed as requested by the learned counsel for the petitioner, reserving the right of the petitioner to raise appropriate challenge against the final report and to approach the learned Magistrate to claim interim release of the vehicle.

**(R. BASANT)**
Judge

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